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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,883	05/30/2001	Christopher Jay Davia	RSW920010104US1	7099

7590

02/26/2004

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EXAMINER
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VO, TED T

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 02/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/867,883

Applicant(s)

DAVIA ET AL.

Examiner

Ted T. Vo

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This action is in response to the application filed on 12/08/2003.

Claims 1, 10, and 14 are amended.

Claims 1-16 are pending in the application.

***Response to Amendment***

2. Applicants' arguments to the amendment with regard to independent Claims 1, 10 and 14, have been considered but are moot in view of the new ground(s) of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicants are reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

The previous rejection under 35 U.S.C. 102(b) as being anticipated by Tse, (US 5, 742,754) is withdrawn.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by BEA, "BEA MessageQ - Programming Guide" (3-2000), appeared in <http://e-docs.bea.com/tuxedo/msgq/index.htm>.

Given the broadest reasonable interpretation of followed claims in light of the specification.

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As per Claim 1:

BEA discloses, "A method for testing an application program, comprising the steps of:

*capturing input data entered into a primary test computer testing an application program (See Chapter 7, page 7-7, Figure 7-4)*

*sending the input data from the primary test computer (Chapter 7, page 7-8, Figure 7-6 shows 'B' - primary) to a secondary test computer (Chapter 7, page 7-8, Figure 7-6 shows 'A' - secondary) also testing the application program; receiving the input data by the secondary test computer (See Chapter 7, page 7-8, Figure 7-6, 'SET LOG SET SEND LOG'; and page 7-16, the last four lines, 'The DMQ\$EXAMPLES directory contains a program called sender.c that enables application developers to set the target queue used with script processing. In addition, this program enables an application to read messages from a script file and forward them to a program that is already running', also see Chapter 2, page 2-23, Table 2-6, the last row, referring to "remote recovery journal");*

*executing the application program by the secondary test computer responsive to the input data (See page 7-16, lines 18-21, 'When you use the Script Facility on BEA MessageQ for OpenVMS systems, all messages defined in the script file are delivered to the target queue of the application program you run regardless of the specified message TARGET argument specified in the message header phrase');*

*when an exception condition occurs while executing the application program by the secondary computer, reporting the exception condition to the primary test computer immediately upon detection of the exception condition" (See Chapter 2, page 2-22, Table 2-6); and*

*displaying the exception condition by the primary test computer" (See Chapter 7, page 7-2, lines 1-5).*

As per Claim 2:

BEA discloses, "The method of claim 1, further comprising the step of logging the input data by the primary test computer" (See Chapter 7, page 7-5, Figure 7-1).

As per Claim 3:

BEA discloses, "further comprising the step of mapping the input data to a format compatible with the secondary test computer, wherein the step of mapping is performed by the secondary test computer"

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(See Chapter 7, page 7-8, Figure 7-6, 'SET LOG SET SEND LOG', referring to "Use captured message from B ('primary') as input to A ('secondary') to test during development").

As per Claim 4:

BEA discloses, "*The method of claim1, further comprising the step of logging the exception condition, wherein the step of logging is performed by the primary test computer*" (See Chapter 7, page 7-6, Figure 7-2, refer 'B' as *primary*; and also see Chapter 2, page 2-22, Table 2-6, second row).

As per Claim 5:

BEA discloses, "*The method of claim1, wherein the input data is entered using a keyboard*" (See Chapter 7, page 7-3, first and second paragraphs).

As per Claim 6: "*The method of claim1, wherein the input data is entered using a computer mouse*" (See Chapter 7, page 7-3, first and second paragraphs).

As per Claim 7:

BEA discloses, "*The method of claim1, wherein the primary test computer sends the input data to the secondary test computer over the Internet, and the secondary test computer reports the exception condition to the primary test computer over the Internet*" (Chapter 7, page 7-1, referring to the fourth indent (bold square)).

As per Claim 8:

BEA discloses, "*The method of claim1, wherein the primary test computer sends the input data to the secondary test computer over an Intranet, and the secondary test computer reports the exception condition to the primary test computer over the Intranet*" (Chapter 7, page 7-1, referring to the fourth indent (bold square)).

As per Claim 9:

BEA discloses, "*The method of claim1, wherein the primary test computer sends the input data to the secondary test computer using TCP/IP communication protocol, and the secondary test computer reports the exception condition to the primary test computer using TCP/IP communication protocol*" (Chapter 7, page 7-1, referring to the fourth indent (bold square)).

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As per Claim 10:

Claim 10 is claiming programmable media containing programmable software for a primary test program, which has claimed functionality corresponding to the functionality of Claim 1. Therefore, Claim 10 is rejected in the same reason as set forth in connecting to the rejection of Claim 1.

As per Claim 11:

Claim 11 is claiming programmable media that has further claimed functionality corresponding to the limitation functionality "*displaying the exception condition by the primary test computer*" of Claim 1.

Therefore, Claim 11 is rejected in the same reason as set forth in connecting to the rejection of Claim 1.

As per Claim 12:

Claim 12 is claiming programmable media, which has claimed functionality corresponding to the functionality of Claim 7. Therefore, Claim 12 is rejected in the same reason as set forth in connecting to the rejection of Claim 7.

As per Claim 13:

Claim 13 is claiming programmable media, which has claimed functionality corresponding to the functionality of Claim 8. Therefore, Claim 13 is rejected in the same reason as set forth in connecting to the rejection of Claim 8.

As per Claim 14:

Claim 14 is claiming programmable media containing programmable software for a secondary test program, which has claimed functionality corresponding to the functionality of Claim 1. Therefore, Claim 14 is rejected in the same reason as set forth in connecting to the rejection of Claim 1.

As per Claim 15:

The claimed functionality corresponds to the functionality of Claim 7; therefore, Claim 15 is rejected in the same reason as set forth in connecting to the rejection of Claim 7.

As per Claim 16:

The claimed functionality corresponds to the functionality of Claim 8; therefore, Claim 16 is rejected in the same reason as set forth in connecting to the rejection of Claim 8.

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**Conclusion**

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (703) 308-9049. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:30 PM ET. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam, can be reached on (703) 305-4552.


The fax phone numbers:

(703) 872-9306 (for formal communication intended for entry);

(703) 746-5429 (for informal or draft communication, please label "PROPOSED" or "DRAFT").

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

TTV  
February 20, 2004

  
**TUAN DAM**  
**SUPERVISORY PATENT EXAMINER**